

# APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JAN 05 1989

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed JAN 05 1989 under 52844

The applicant AMAX GOLD, INC.

1707 Cole Blvd. of Golden  
Street and No. or P.O. Box No. City or Town

Colorado 80401-3293 hereby make<sup>s</sup> application for permission to change the  
State and Zip Code No.

Point of Diversion, Manner and Place of Use  
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 51192  
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Underground  
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 1.0 c.f.s.  
Second feet, acre feet. One second foot equals 448.3 gallons per minute.

3. The water to be used for Mining, milling and domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Industrial (Power Plant Cooling Water)  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 33, T. 30 N., R. 23 E. M.D.B.  
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.  
&M. or at a point from which the SE corner of said Section 33 bears S. 71° 34'  
08" E. a distance of 2087.53 ft.

6. The existing permitted point of diversion is located within NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 34, T. 29 N., R. 23 E.  
If point of diversion is not changed, do not answer  
M.D.B. &M. or at a point from which the NW corner of said Section 34 bears N. 82°  
24' 24" W., a distance of 1622.1 feet.

7. Proposed place of use Within T. 30 N., R. 23 E; Sections 27, 28, 33 and 34; the south  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
 $\frac{1}{2}$  and the south  $\frac{1}{2}$  of the north  $\frac{1}{2}$  of Section 21; and portions of Sections 22, 26 and  
35. Within T. 29 N., R. 23 E.: Sections 3; the north  $\frac{1}{2}$  of  
the north  $\frac{1}{2}$  of Section 4; and portions of Sections 2, 9, 10, 15 and 16.

8. Existing place of use Lt 2, SW $\frac{1}{4}$  NE $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 21, T. 29 N., R. 23 E., M.D. B.  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.  
&M.

9. Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drilled and cased well, submersible pump  
State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes, or drilled well, etc.  
and motor, distribution pipeline and storage reservoir.

12. Estimated cost of works \$50,000.00

13. Estimated time required to construct works 2 years

14. Estimated time required to complete the application of water to beneficial use..... 5 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

The water from this application and application 52844 will be co-mingled for a total annual duty of 1000 A.F.. Planned ore production rate is 4,000,000 tons/year. Please use map filed under 51192 for existing Point of Diversion and Existing Place of Use. For proposed Point of Diversion and Place of Use, please see map prepared by George W. Ball Jr.

By /s/ Andrew Pooler  
Andrew Pooler  
350 So. Rock Blvd., Suite E  
Reno, NV 89502

Compared..... kh/se ..... pm/se

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner and place of use of the waters of an underground source as heretofore granted under Permit 51192 is issued subject to the terms and conditions imposed in said Permit 51192 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 52844 and 52845 shall not exceed 325.85 million gallons annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 1.0 .....cubic feet per second., but not to exceed 235.91 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... March 17, 1991

Proof of completion of work shall be filed before..... April 17, 1991

Application of water to beneficial use shall be made on or before..... March 17, 1994

Proof of the application of water to beneficial use shall be filed on or before..... April 17, 1994

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed..... APR 26 1991 IN TESTIMONY WHEREOF, I..... PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of my

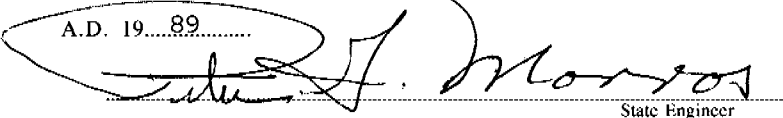
Proof of beneficial use filed..... office, this..... 17th day of..... March

Cultural map filed.....

Certificate No..... Issued.....

port. 53714 0.5 cfs  
Port 69756 0.5 cfs

A.D. 19...89

  
State Engineer

(PERMIT TERMS CONTINUED)

subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.